

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MARK JONES & PAMELA JONES,

Plaintiffs,

v.

HARLEY-DAVIDSON, INC. HARLEY-  
DAVIDSON MOTOR COMPANY  
GROUP, LLC,

Defendants.

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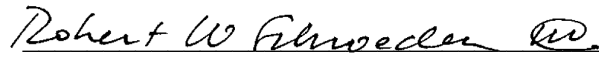
Case No. 2:14-cv-694-RWS-RSP

**ORDER**

The Magistrate Judge’s Report recommended that Defendants Harley-Davidson, Inc. and Harley-Davidson Motor Company Group, LLC’s Motion for Summary Judgment (Dkt. No. 61) be **DENIED**. The Report identified genuine disputes of material facts on the following issues: (1) whether anti-lock braking systems (“ABS”) made motorcycles safer; (2) whether Defendants were negligent in designing Plaintiffs’ motorcycle; and (3) whether Plaintiffs were adequately warned as to their motorcycle’s lack of ABS.

The Court finds that Defendants have not objected to the Magistrate Judge’s Report. The Court further finds that there is no clear error in the Magistrate Judge’s Report. *See* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974))). The Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (Dkt. No. 120) and finds Defendants Harley-Davidson, Inc. and Harley-Davidson Motor Company Group, LLC’s Motion for Summary Judgment (Dkt. No. 61) is **DENIED**.

So ORDERED and SIGNED this 12th day of September, 2016.



ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE